

#### REMARKS

Applicant wishes to highlight that the publication 2002/0120753 of this application has the wrong drawings. Therefore, Applicant respectfully requests that the Examiner consider the Amended Drawings as filed on January 30, 2002 and he should not refer to drawings of the published application or the ones originally filed.

New claims 25- 30 are herewith presented in order to more particularly point out and distinctly claim the invention and prior claims 1-24 are hereby canceled without prejudice. The subject matter of these new claims is specifically taught in the Specification and reference is made to Paragraphs 35 *et seq.* and therefore these new claims do not constitute the addition of new matter.

Further new claim 30 is original claim 21, but re-written in independent form.

New claims 31-36 are likewise herewith presented in order to more particularly point out and distinctly claim the invention. The subject matter of these new claims is specifically taught in the Specification and reference is made to Paragraphs 53 *et seq.* These new claims do not constitute the addition of new matter.

#### PRIOR ART REJECTIONS

In response to the rejection of claims 1, 3-5, 8-11, 19 and 20 under 35 USC 103 as being obvious over US Patent No. 6,711,297 to Chang et al. ("Chang") in view of US Patent No. 6,346,938 to Chan et al. ("Chan"), claims 2 and 13 as being obvious over Chang in view of Chen and further in view of US Patent No. 6,397,259 to Lincke ("Lincke"), claims 6-7 and 21-22 as being obvious over Chang and Chen in view of US Patent No. 6,801,665 to Atsumi et al. ("Atsumi"), claim 12 as being obvious over Chang and Chen in view of US Patent No. 6,608,933 to Dowell et al. ("Dowell"), claims 14-15 as being obvious over Chang, Chen and Atsumi, claims 16-18 as being obvious over Chang, Chen, Lincke and Dowell and claims 23-24 as being obvious over Chang, Lincke, Atsumi and Dowell, Applicant respectfully traverses the rejections because 1) the rejections are moot in view of the new claims; and 2) the new claims submitted with the RCE are distinguishable over the prior art for the reasons set forth below and the rejections should be withdrawn.

As defined in the newly presented claims, the invention is clearly distinguishable from the cited references. Applicant has reviewed the cited references and believes that the now herein

claimed subject matter is neither anticipated nor obviated by the cited references, whether taken singly or in combination.

Chang (US Patent 6,711,297) does not process the source image data and overlay image data as taught and claimed in the herein application and then store it in a compressed manner at the Server. This is the essence of the herein claimed invention. Instead Chang stores the images “in a suitable archival format, such as the above-mentioned DICOM format.” (Column 5, lines 1-14).

According to Chang, the source images are then processed to generate pyramidal data structures which are then transmitted to the clients. Only the coefficient transfer syntax required to reconstruct an image is transferred. (Column 5, lines 36-55).

The herein claimed invention is not just for transferring images over a network. Instead it is for first compressing and processing the image in a defined manner, storing it at the server and then transmitting it to the user.

Whereas Chang and Applicant may both transmit data, the distinction is in how they each first process the data at the server. Applicant does it in a unique manner that is neither described nor suggested by Chang.

As described and claimed herein, the herein claimed invention relates to three dimensional imaging for mapping. Thus, the navigational inputs allow not just the standard two dimensional x,y control as is standard for panning and viewing two dimensional images, but also rotational and z height, which are needed to view cartographical images.

Chang is concerned with transfer of two dimensional images, such as medical images. His method could not be used for three dimensional images. As explained in Chang, it involves dynamic transfer of image data over the Internet, primarily medical images. Such images are flat, two dimensional images. In contradistinction, the herein claimed invention is directed to mapping/topographic applications. They encompass an image viewpoint with a viewing frustrum placed within a three-dimensional space over the defined image.

Chang does not relate at all three dimensional image processing, as for mapping or cartographical applications. In Chang the depth of images refers to zooming and nothing else.

Chan (US Patent 6,346,938) is also inapplicable. It does not deal at all with transferring image data from a server to a user. It is a navigation system for viewing three-dimensional information.

Moreover Chang and Chan cannot be combined. Chang does not deal with three dimensional images and so it would not be obvious to add a 3 dimensional navigation system to Chang's device. It would have no usefulness at all.

Furthermore, Claims 31-36 detail the prioritization process. Hereto the herein invention is distinct from Chang and there is no mention or suggestion of this process in his patent.

One of the underlying ideas behind the herein invention was to present a novel approach to computing the relative priority order for a LOD-hierarchy-based system.

Regarding Chang, it describes a method to transform the image into a sum of wavelets in a way that implements progressive encoding and allows the client/server system to transfer rectangular blocks with varying resolution selectively. By this means, however, Chang would not produce a fixed bitrate compression.

Error accumulation would be a very real problem with Chang's method if one used lossy compression at all levels of resolution, because it is a progressive encoding. To ensure errors don't accumulate would require computing the wavelet coefficients corresponding to each level of resolution from the difference between the block being compressed and the corresponding block in the previous (twice lower resolution) level, upsampled by 2 with a point filter, after decompressing it. This would not be obvious to a person of ordinary skill in the art. It is worth noting that even JPEG 2000 isn't capable of doing this, at least in its standard form, regardless of configuration.

According it is believed that none of the cited prior art anticipates or obviates the herein claimed invention and it is respectfully requested that the rejections under 35 USC 103 be withdrawn.

It is, therefore, requested that a Notice of Allowance issue and that all of the pending claims be allowed.

Appl. No. 10/847,801  
Reply dated October 17, 2008  
Reply to Office Action mailed October 4, 2006

CONCLUSION

In view of the above, it is respectfully submitted that Claims 25-36 are allowable over the prior art cited by the Examiner and early allowance of these claims and the application is respectfully requested.

The Examiner is invited to call Applicant's attorney at the number below in order to speed the prosecution of this application.

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896.

Respectfully submitted,

DLA PIPER US LLP

Dated: October 17, 2008

By /Timothy W. Lohse/  
Timothy W. Lohse  
Reg. No. 35,255  
Attorney for Applicant

DLA PIPER US LLP  
2000 University Avenue  
East Palo Alto, CA 94303  
Telephone: (650) 833-2055